HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.42/2007

PETITIONER Manoj Kumar Jain, Son of Kailash Chandra Jain, aged about 41 years, resident of Beedi Leaves Merchant, G.E. Road, near Nagpur Naka, Rajnandgaon, District – Rajnandgaon (C.G.)

Versus

RESPONDENTS

1. Praful Kumar Manik, son of late Dhanji Bhai, aged about 48 years, 16-B, Mohan Kripa Society, Manjilpur, Baroda, (Gujrat) presently residing at Ashish Auto, Nandini Road, Bhilai, Tehsil and District Durg (C.G.)
2. State of Chhattisgarh, through District Magistrate, Durg, District Durg (C.G.)

PETITION UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE

Appearance:

Shri Sunil Sahu, Counsel for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the State on advance copy.

ORAL ORDER
(11.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

This petition is directed against the order dated 13.9.2006 passed by the Sessions Judge, Durg in Criminal Revision No.203/2006, whereby, the said Court dismissed the aforesaid revision at the stage of admission, confirming the order dated 31.7.2006 passed in Criminal Case No.778/2002 by the Additional Chief Judicial Magistrate, Durg.

It appears that in a matter pending under Section 138 of the Negotiable Instruments Act, evidence of complainant's side was completed and the case was fixed for defence evidence from

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15.5.2004. On 29.4.2006, the petitioner filed an application for examination of writing of the particulars of the impugned cheque through an expert, which was dismissed by the trial Court on the ground that the petitioner had admitted his signature on the cheque and according to him, a blank cheque was given to the complainant.

The trial Court took a view that in such situation, there was no necessity for examination of writing of the particulars of the cheque and closed the defence of the petitioner and fixed the matter for final hearing. It is against this order, the revision was filed, which was dismissed by the Sessions Judge.

After going through the contents of both the orders, I do not find any reason to interfere with such orders.

The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
SUNIL KUMAR SINHA
Judge

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